



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

Paper No. 19

Mr. Ido Tuchman
69-60 108th Street
Suite 503
Forest Hills, NY 11375

MAR 23 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Butterworth)
Application No.: 09/338,035) **DECISION ON PETITION TO**
Filed: June 22, 1999) **ACCEPT CORRESPONDENCE AS**
Attorney Docket No.: GB919990026US1) **TIMELY FILED UNDER NOTICE OF**
For: DATA PROCESSING SYSTEMS) **POSTAL EMERGENCY**
AND METHOD FOR PROCESSING)
TASKS IN SUCH SYSTEMS)

This is a decision on the request for reconsideration filed February 13, 2004 to withdraw the holding of abandonment under 37 CFR § 1.181. The original petition was considered as a request to accept correspondence that would have been filed except for a postal emergency within the meaning of 35 U.S.C. § 21(a) and 37 CFR § 1.6(e). It was dismissed on January 6, 2004 (see Paper No. 14). The notice of postal service interruption and emergency was posted on the USPTO web site on August 15, 2003 and was terminated with the notice dated August 19, 2003.

While the petitioner's most recent filing remains a request under 37 CFR § 1.181, in fact, the practitioner appears to be requesting either a waiver of the rules under 37 CFR § 1.182 or consideration of a request to revive the application as unavoidably abandoned under 37 CFR § 1.137. Neither of which are under the jurisdiction of the Technology Center director. Therefore, this request has been improperly filed. The petitioner should consider filing his request under 37 CFR §§ 1.182 or 1.137 in order to have the merits of his arguments properly addressed by the Office of Petitions.

The request for reconsideration of the petition is **DENIED**. The holding of abandonment is still proper.

As stated in the previous decision, applicant's filing on August 15, 2003 was outside the six month period and therefore, the application was abandoned. Due to a clerical error the Office entered the amendment and issued an action on the merits in response to applicant's filing. That action was improper, it remains vacated and remains **withdrawn**.

Telephone inquiries regarding this decision should be directed to Josie Ballato, Special Program Examiner at 703-308-0269.

Peter Wong
Director, Technology Center 2100
Computer Architecture, Software, and Information Security